

**BOARD OF SELECTMEN
MEETING MINUTES
THURSDAY, FEBRUARY 3, 2005
ABLONDI ROOM**

Attendance: Christopher C. Ross, Chairman; Katherine E. Murphy, Vice-Chairperson; Charles J. Sisitsky, Clerk; Dr. Esther A. H. Hopkins, Member; A. Ginger Esty, Member

Following a special public hearing pertaining to the Town's license agreement with Comcast, the Chairman called the meeting to order at 8:45 PM, and reviewed the agenda.

Public Participation

Tom O'Neil

Mr. O'Neil had submitted a Freedom of Information Act (FOIA) request to the Building Commissioner for all papers discussing the Wayside matter, and the Building Commissioner had denied certain documents citing attorney/client privilege. He was concerned about the policy regarding response time for information, and wondered where the policy was published, especially with regard to time-sensitive issues. He had submitted a letter to the Secretary of State to explore attorney/client privilege in this instance. Ms. Esty felt that Chapter 40A was difficult for many communities, and she felt that dimensional questions fell under the Board's purview. Dr. Hopkins referred him to the Massachusetts state website, where a section of the General Laws provided a definition of words to help aid in interpretation. Mr. Sisitsky followed up on Ms. Esty's comment by explaining that the main factor in the Building Commissioner's decision had been due to the use, namely education. There were no dimensional requirements established. Ms. Esty noted in this case it was an issue of access, and Mr. Sisitsky commented that the Traffic Roadway and Safety Committee (TRSC) had voted against granting access to Wayside as its meeting.

Robert O'Neill

Mr. O'Neill spoke on the projections for 2005 and opined on the credentials for the Selectmen. He discussed hierarchical versus matrix methods of governmental organization, and suggested foreign cities to use as models. He suggested that renovations be made to the Memorial Building.

Joe Rizoli

Mr. Rizoli spoke about a movie that had been shown in Nevins Hall called "A Fronteira." He had filed a complaint at the Police Department, feeling that the content of the movie was too strong to be shown in the Memorial Building. He was upset because nothing was done, and complained that his show on television had been limited to one instance of play per week. He was upset because the Police had stopped him from videotaping outside of the BRAMAS building.

Mr. Richard Brita

Mr. Brita thought the rotunda looked wonderful, and felt that the increased light helps to give the veterans the respect they deserved. He requested that the "Remove Your Hat" sign be replaced. He was upset about the showing of a movie in the Memorial Building and tickets being taken in the hallway, feeling that it was antithetical to the purpose of the building. He was further upset that no one reviewed the film. Ms. Esty said she was

disappointed that sales for the event were being conducted in the Memorial part of the Memorial Building. Mr. King explained it was an oversight and it wasn't supposed to happen.

Jim Rizoli

Mr. Rizoli believed that the movie was anti-American. He expressed concern over the safety of the downtown area. Ms. Esty discussed the wet shelter argument, and that it was not suitable. SMOC had said they would initiate day programs to address concerns for derelicts. She suggested getting an update from SMOC about what programs were in place, and what programs were being put in place. Mr. Ross noted that they had had more than the usual number of clients there because the Detox center was closed. Ms. Murphy thought the comprehensive survey was a good first step in addressing the issues downtown. Ms. Esty suggested acquiring a more detailed report by the Police. Dr. Hopkins thought that the Board had to be very cautious to avoid taking on the role of a censor, and not only allowing free speech, but allowing it for everyone equally. Mr. Sisitsky addressed the police department complaint and asked for clarification on the allegation that the Police had not responded. Mr. King answered that he spoke to the person at the desk on Monday, and that they discussed the issue at length. He pointed out that while it may not have been a response that Mr. Rizoli liked did not mean that the Police Department hadn't responded. Ms. Esty asked about the allowance of families at the movie, and Mr. King asserted that he did not believe it was the function of Town government to police attendance, and that families needed to take such responsibility. Mr. King explained that the policy either needed to allow all uses, or none; indeed, the Board would have little control over the content if the public was made available for public usage. Mr. Sisitsky suggested having the policy subcommittee review and tweak the existing policy to monitor age restrictions.

State Legislators

The Board welcomed the state legislators for the Town, Representative Deborah Blumer, Representative Tom Sannicandro, and Senator Karen Spilka. They congratulated Representative Sannicandro on his recent election. Senator Spilka informed the Board that the entire House and Senate were being restructured for the first time since 1967. She believed it would force both houses to collaborate better. Representative Blumer discussed the committees she was on presently, spoke about some of her concerns and areas of interest including health care coverage, and opined that the change in leadership in the House had made the environment very optimistic. She updated the Board on a couple of pending bills, and noted that one of the first things considered in the new session would be the issue of senior taxes and tax deferral.

Mr. Ross discussed how the Dover Amendment had caused friction between neighborhoods and various entities, and the various nuances of Chapter 40A. Senator Spilka thought there was a will to give cities and towns more control over their own destiny, and there had been a lot of discussion and support for such. Mr. Sisitsky thought that one problem was the broad definition of "educational use" and thought that perhaps an amendment could limit that definition more.

Mr. Sisitsky raised the question of whether or not the Hancock decision would force the state to redistribute the school aid money. Senator Spilka felt there were many options, and while the pending decision might render more specific definitions of inadequate funding, it might still leave it in the realm of the legislature to determine how to meet any additional funding needs. There would likely not be support, however, of redistribution of funds from more affluent communities to less affluent communities. Representative Sannicandro pointed out that there was a MetroWest caucus to discuss the matter, and the communities as a group were solidifying to ensure maintenance of sufficient school funding.

Ms. Esty asked what might be eligible for PILOT increase, and she was informed that state parks would also be covered by PILOT. Mr. King noted that PILOT was only for the value of state-owned land. Ms. Esty asked if any mitigation might be available again.

Ms. Esty inquired about the state funding for the anti-drunk driving program, specifically the section regarding repeat offenders. She felt the state was losing approximately \$6M by not matching up the state language with the federal language. Presently the money was given to the Town for education against drunk driving, but she felt that it was needed for the roads themselves. Senator Spilka was unsure what the hold up was, but knew the bill was presently filed.

Dr. Hopkins asked about the joint committees under the legislative reorganization, and wondered what the effect would be on the bicameral structure that was supposed to exist. Each branch would file its individual bills, which would then be referred to joint committees that report it either favorably or unfavorably. Each branch would ultimately act on it independently. Joint committees had existed historically, and only joint committees could hold major hearings for bills. Dr. Hopkins asked about the senior deferred tax initiatives. They had not come out of the previous year's session, but it was scheduled to be reviewed early in the new session. Dr. Hopkins asked if Town Meeting would need to re-pass the article to make it law. Representative Blumer explained that Framingham's Town Meeting article was dead. It had been included as part of a bill that had not passed. An identical bill had been filed, which would apply state-wide, and if passed then Framingham could decide whether or not to accept it. Representative Sannicandro noted that a bill had been filed that would make it non-income based.

Ms. Murphy was happy to hear about health care and see some of the bills that had been filed. She encouraged the legislators to keep the lines of communication open on bills moving forward that might affect the Town. She also expressed concern that municipalities might be lost when looking to ease the burden for senior citizens. Ms. Murphy expressed concern that the DEP budget had been drastically cut, and she asked that the legislators lobby to increase funding to help ease the burden of local Conservation Commissions. Senator Spilka felt that when the state made a promise it should be fulfilled. Since trends were finally reversing, there was a need to restore funding that had been taken for the general fund. Representative Blumer presented options for communities like Framingham that had not been able to pass the Community Preservation Act (CPA). Ms. Murphy felt that keeping the CPA funds in tact was

important to inspire communities to move toward the goal of adoption. Representative Blumer felt that the CPA was exceptionally difficult as written for areas with dense and diverse populations, like Framingham. Ms. Esty noted that the legislative committee of MAPC had discussed it, and also felt it was divisive amongst communities working regionally. Dr. Hopkins suggested looking into adding exemptions for small businesses. Senator Spilka noted that a Community Development and Small Businesses committee had been formed to look into the matter of aiding small businesses.

Mr. Sisitsky had heard that the MWRA rates were going to increase dramatically, and asked if a rate subsidy bill was being considered earlier than the one last year. Representative Blumer noted that this was being factored into the budget this year, and that the Town would see the first indications in the House budget, but the final amount would not be known until June or July.

Mr. Ross noted that the residential TIF regulations were being reviewed, and he asked that the legislators help in expediting the process.

The Board thanked the legislators for their time.

Opening of the 2005 Annual Town Meeting (ATM) Warrant and the Election Warrant

Mr. King explained that the Board needed to open the warrant as a formality. The warrant was part of the election process so it needed to be done much earlier than the ATM. Articles needed to be submitted by February 25, 2005, would be discussed on March 3, 2005, and the final form of the warrant would be presented to the Board on March 10, 2005. ATM was scheduled for April 26, 2005.

MOVED: To open the ATM warrant for 2005.

Motion: Mr. Sisitsky

Second: Ms. Murphy

VOTE: 5 – 0

Consideration of a request to reappoint Steven Zallen to the Framingham Bicycle and Pedestrian Advisory Committee (FBPAC)

Mr. Ross referred the Board to the letter submitted by the FBPAC that asked the Board to reappoint Mr. Zallen to a two-year term.

MOVED: To reappoint Steven Zallen to the FBPAC.

Motion: Mr. Sisitsky

Second: Ms. Esty

VOTE: 5 – 0

Consideration of STAR PILOT Resolution

Mr. King noted that the Town had been one of the early members of the group, which had had some success.

MOVED: To continue the Town's relationship with STAR and join their resolution.

Motion: Ms. Esty

Second: Mr. Sisitsky

VOTE: 5 – 0

Town Manager's Report

Mr. King noted that two petition requests had been submitted for Special Town Meeting (STM). Mr. Romero clarified that both articles had been certified. Mr. King recommended March 17, 2005 as the date, to avoid the Salute to Framingham dinner on March 16, 2005. Mr. King said he would prepare a schedule.

Ms. Esty asked about the response given to Ms. Paula Correia with regard to the problems on Taylor Street. Mr. Joe Mikielian, Building Commissioner, had told her to contact him, and not to contact Mr. King directly. Mr. King agreed that she should contact the Building and Wire Department first, and if she was given an improper response, then she should contact the Selectmen's office. Ms. Correia had called the Police Department and was put on hold. Ms. Esty asked if Ms. Correia could be deputized to cite people that were leaving their engines running, because it was difficult to catch offenders in the act. Mr. King told the Board it could deputize Special Police Officers, but that the Town no longer did so. Mr. Sisitsky asked that the Police Department be made familiar with the idling statute, because he heard misinformation about the statute being discussed on his police scanner. Ms. Esty asked for a report on the situation on February 10, 2005, and asked for a report from the Building Commissioner about whether or not the businesses at the location in question had outgrown the zoning for its site.

Dr. Hopkins asked if the Board had jurisdiction over an appointment being made in the Fire Department. Mr. King acknowledged that an Assistant Fire Chief position was being filled, but that the Board only needed to concur on the appointment of the Fire Chief. Dr. Hopkins explained that she had received an anonymous phone call from someone in the Fire Department who was distressed about the individual who was to be appointed.

Selectmen's Reports

Ms. Esty

Ms. Esty discussed drainage problems near Wayside and asked for more information. Mr. King's understanding was that there had been a discernable reason for the problem, namely a culvert issue. Ms. Esty questioned whether the construction being conducted nearby. Ms. Esty noted that aerial filming across the state was indicating that some construction projects were encroaching on wetlands more than was allowable.

Ms. Esty noted that a water study had been done by MAPC on Beaver Dam Brook and its relationship to Lake Cochituate. She suggested having someone come in to make a presentation on the subject. Mr. Ross said he would talk to Mr. Martin Pillsbury at MAPC about the matter.

Dr. Hopkins

Dr. Hopkins was concerned about one program being put forward by the Planning Department's community block grant proposals, namely handicapped access for St. George's. Ms. Murphy echoed her concerns. Mr. Sisitsky thought that the criteria being

applied required the improvements to serve a certain percentage of low to moderate income people. He suspected that the project did not meet those requirements.

Dr. Hopkins asked about the Community Health Center's presentation that was scheduled, and asked if this would discuss the parking situation. Mr. King explained that the presentation was a general update, but that no definite answers existed about the parking issue at this time.

Mr. Sisitsky

Mr. Sisitsky had no additional information to report.

Ms. Murphy

Ms. Murphy informed the Board that she had taken a tour of the high school, which she felt it was very informative. Ms. Murphy asked if the Town could look into the closed Texaco station in Nobscot further to see what could be done.

Ms. Esty brought up a land taking near Gates Road that was scheduled to be discussed soon, and asked if detailed maps could be provided. Ms. Esty was hopeful that a meaningful ceremony to dedicate the newly restored rotunda in Memorial Hall be scheduled.

Mr. Ross

Mr. Ross informed the Board that he had appointed Ms. Esty and Ms. Murphy to the Housing Plan subcommittee, and asked that the Planning Board (PB) be notified of their appointment.

MOVED: To move into Executive Session for the purposes of discussing bargaining with nonunion personnel and to return to open session to adjourn.

Motion: Dr. Hopkins

Second: Ms. Murphy

VOTE: 5 – 0 (roll call vote)

Upon returning from Executive Session:

MOVED: To move out of Executive Session and adjourn at 12:03 PM.

Motion: Ms. Murphy

Second: Mr. Sisitsky

VOTE: 5 – 0

Respectfully submitted,

Charles J. Sisitsky, Clerk